

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 03-cr-795-1
: :
____ v. _____ : CIVIL ACTION NO. 07-cv-1065
: :
GEORGE HAMILTON : :

UNITED STATES OF AMERICA : CRIMINAL NO. 03-cr-795-1
: :
____ v. _____ : CIVIL ACTION NO. 07-cv-1950
: :
GEORGE HAMILTON : :

MEMORANDUM AND ORDER

On May 14, 2007, Petitioner responded to this court's aforesaid Order of April 13, 2007, by filing using the correct §2255 petition but he did not sign this petition.¹ Petitioner has also applied for leave to proceed in forma pauperis, but although this application is signed by a prison official, Petitioner himself did not sign this application.

Accordingly, this _____ Day of June, 2007, it is hereby **ORDERED** as follows:

1. Document #47 in 03-cr-795-1 is to be marked as also being Document #3 in 07-cv-1065, and filed in both matters as of May 14, 2007, and the Clerk of this Court shall cross out all handwritten notations on this document relating to Civil Action 07-cv-1950.
2. 07-cv-1950 is to be marked by the Clerk of this Court as **CLOSED** for all

¹The Office of the Clerk of this Court erroneously treated this filing of May 14, 2007 as an attempt to file a new AEDPA petition, and labeled it as 07-cv-1950, when in fact it was part of 07-cv-1065.

purposes, including statistics.

3. The Clerk of this Court shall furnish petitioner with a true and accurate photocopy of Document #47 in 03-cr-795-1.
4. Petitioner shall sign the aforesaid photocopy and return it to Clerk of this Court within thirty (30) days.
5. Petitioner's application for leave to proceed in forma pauperis will not be granted at the present time, and petitioner is formally notified that whereas there is no filing fee in 28 U.S.C. §2255 cases, that it is not necessary, in any way, for a petitioner to request leave to proceed in forma pauperis in such a 28 U.S.C. §2255 matter, although a grant of leave to proceed in forma pauperis can entitle a petitioner to free filing of a notice of appeal in such a matter, if appropriate.
6. Petitioner is formally placed on notice that if he once again insists that 07-cv-1065 proceed as a 28 U.S.C. §2241 petition, that 07-cv-1065 shall be dismissed without prejudice for seeking relief that is not available pursuant to 28 U.S.C. §2241.
7. Petitioner is formally placed on notice that if he does not comply with this Order within thirty (30) days, that 07-cv-1065 shall be dismissed without prejudice.

BY THE COURT:

S/ James T. Giles
J.